

**AUGUST 17, 2017**

The Board of Chaves County Commissioners held their Regular Commission meeting in the Commission Chamber of the Joe Skeen Building, #1 St. Mary's Place in Roswell, New Mexico. Chairman Corn called the meeting to order at 9:00a.m. Commissioner Cavin led the pledge and Commissioner Bilberry led in prayer. Those present were Commissioners Bilberry, Duffey, Ezzell, Cavin and Corn. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Britt Snyder, Treasurer Charlotte Andrade, Finance Director Joe Sedillo, County Clerk Dave Kunko, news media, staff and guests.

#### **MINUTES**

Commissioner Cavin moved to approve the Minutes from July 18, 2017. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **PRESENTATION**

##### **COALITION OF AZ/NM COUNTIES – KIM CHESSER**

Kim Chesser gave a presentation on the Arizona/New Mexico Coalition meeting he attended in Prescott, Arizona. He stated he was not sure what the next step would be in the litigation on the Mexican Wolf. Both sides have presented information and he guesses it may be up to the Court at this point. The Budd-Falen Law Office led by Karen Budd-Falen is the Attorney for the Coalition. He mentioned the Coalition owes the Attorney \$71,000. Chaves County did contribute in 2015 and 2016. More contributions are needed but they are not mandatory. Arizona is wanting to get rid of "Waters of the U.S." and there is a chance it could go away. Counties need to turn in comments on this issue and turn them into the Attorney. Mr. Chesser stated there were not a lot of changes on the Critical Habitat for the Jaguar. There was discussion on the Tombstone water issues, a genetic study on the wolf, letters sent to the Department of the Interior on BLM 2.0 and the Lesser Prairie Chicken.

#### **PUBLIC HEARINGS**

##### **CASE Z 2017-10 REQUEST FOR SPECIAL USE PERMIT IN AREA II, RESIDENTIAL - AGRICULTURAL**

Marlin Johnson explained that the special use permit in Area II Residential – Agricultural is for light manufacturing and repair of farm equipment. He stated that the Planning and Zoning Commission recommends approval with stipulations and findings of fact. Chairman Corn opened the public hearing for public comment.

IN FAVOR: Ken Thomas the applicant spoke in favor of the special use permit.

AGAINST: None

Commissioner Duffey asked about the length of the water line. Marlin Johnson stated Berrendo Water crossed the road but did not put a line directly to her property and the water line was never sleeved. Commissioner Duffey moved to approve the Special Use Permit with the stipulations and the findings of fact. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

##### **CASE Z 2017-11 REQUEST FOR A VARIANCE IN AREA II, RESIDENTIAL**

Marlin Johnson stated this is a request to reconfigure the two 2.5 acre parcels with existing homesteads into parcels of approximately 1.5 and 3.5 acres. The Planning and Zoning Commission recommended approval with the stipulations and findings of fact. Chairman Corn opened the public hearing for public comment.

IN FAVOR: Mauro Jimenez stated he purchased the property and questioned the access. Velma Acosta stated she sold both lots by accident, it was supposed to be just lot 10. She is asking for the variance to move the fence line.

AGAINST: Velma Acosta also spoke in opposition stating there were many complications and she would be willing to give Mr. Jimenez his money back.

Marlin stated the variance if approved would allow them to work out the details. He also stated that one of the stipulations is that this be worked out in 6 months. If it isn't worked out by then the variance becomes void. They need to move the fence and create a wider easement for access. Commissioner Duffey moved to approve Case Z 2017-11 a variance request with the stipulations and findings of fact. Commissioner Cavin seconded the motion. Commissioner Duffey stated this gives them the opportunity to work it out. A voice vote was unanimous and the motion carried.

## **AGREEMENTS AND RESOLUTIONS**

### **AGREEMENTS A-17-016 WITH WINGS FOR L.I.F.E. BUILDING ASSET PROGRAM**

Lucia Serrano stated Chaves County received funding under the Juvenile Justice Continuum grant fund for WINGS for L.I.F.E. Building Assets Program. Commissioner Duffey moved to approve Agreement A-17-016. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

### **AGREEMENTS A-17-026 WITH NEW MEXICO GAS COMPANY FOR A GRANT OF EASEMENT**

Mr. Williams stated Agreement A-17-021 is to grant a 10-foot easement to New Mexico Gas Company for installation of a new gas pipeline on the north edge of the County Administration Building property. Commissioner Bilberry moved to approve Agreement A-17-026. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

### **RESOLUTION R-17-031 AUTHORIZING SUSPENDING MINIMUM PENALTY OF THE PROPERTY TAX CODE**

County Treasurer, Charlotte Andrade stated approval of this resolution would suspend the minimum penalty of the property tax code. She explained that based on the exceptionally high rate of property tax collections in Chaves County, it is felt that the minimum \$5.00 penalty is unnecessary. Commissioner Cavin moved to approve Resolution R-17-031. Commissioner Bilberry seconded the motion. A voice vote was 4 to 1 and the motion carried. Chairman Corn voted no.

### **RESOLUTION R-17-032 APPROVING CHANGES TO PERSONNEL CHARTS**

Stan Riggs stated this resolution incorporates the personnel upgrade approved in the final budget and one position removed from the charts for FY 2017/2018. The charts have been changed to reflect the budget changes. Commissioner Bilberry moved to approve Resolution R-17-032 the changes to the Personnel Charts. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

## **OTHER BUSINESS**

### **APPOINTMENT OF NEW DWI PLANNING COUNCIL MEMBER**

Lucia Serrano stated the DWI Planning Council has recommended the appointment of Margaret Kennard as a new DWI Planning Council voting member. Commissioner Duffey moved to approve the appointment. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

### **CASE FP 2017-01 REQUEST FOR A VARIANCE TO THE FLOOD DAMAGE PREVENTION ORDINANCE**

Marlin Johnson stated this item is a request for variance from the requirement for a Flood Plain Development Permit for substantial improvements to the existing structures, a residence and a guest house. Mr. Johnson stated the Flood Plain Administrator recommends approval with the stipulations and findings of fact. Commissioner Duffey moved to approve the Variance with the stipulations and findings of fact. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.



## **REQUEST FOR OUT-OF-STATE TRAVEL/SHERIFF'S OFFICE**

Sheriff Britt Snyder stated the Sheriff's Office is requesting approval to send 2 certified officers to training in Amarillo, TX. The title of the training is: Read – Recognize – Respond: De-Escalation, Detecting Deception & Pre-Attack Indicators. Commissioner Duffey moved to approve the Out of State Travel. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

## **MOU M-17-043 WITH CITY OF ROSWELL FOR CONSTRUCTION AND MAINTENANCE OF A DETENTION POND ALONG HOBSON ROAD**

Stan Riggs explained that as part of the Hobson Road Project the County needs to construct a detention pond on property owned by the City of Roswell. This MOU would allow the County to construct and maintain the pond. The City Council has already approved this document. Commissioner Cavin moved to approve MOU M-17-043. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

## **LEASE (WITH OPTION TO BUY 2) 770G MOTOR GRADERS**

Sandra Rodriguez stated the Chaves County Road Department will be replacing 2 motor graders in November. The contract will be with CES through 4 Rivers Equipment and the lease payments will be approximately \$2,522.00. This contract is a lease with option to buy. Commissioner Bilberry moved to approve the lease with option to buy (2) 770G Motor Graders. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

## **EMERGENCY SERVICES RADIO UPDATE**

Sheriff Britt Snyder gave an update on the emergency services radio situation. They are in the process of replacing analog radios with digital. There was an incident 40 miles East of town where a deputy was being shot at and since there was no radio contact the deputy providing back-up was unaware of the situation. The City of Roswell is involved as well. Karen Sanders, the Emergency Services Coordinator has been working on this project for 3 years. The main issues are money and working out the number of frequencies for the system. Even if the money was available the frequency issue would still need to be resolved.

## **APPROVAL OF CHECKS**

Commissioner Duffey moved to approve checks in the amount of \$2,604,099.32. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

## **APPROVAL OF REPORTS**

Commissioner Duffey moved to approve the reports for the period. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

## **UNSCHEDULED COMMUNICATIONS**

Joe Sedillo stated the anticipated gross receipts were 1.2 to 1.3 million and we actually received \$944,850. This figure is down 11% from last year. It is difficult to analyze the report by industry. Albuquerque audits have shown concern over the Tax and Revenue Department calculations. Pressure must be kept on the State. Commissioner Corn stated increased economic activity should increase gross receipt taxes.

Larry Connolly mentioned the Hobbs issue of Oil Well audits and compared it to Tax and Rev. He stated Tax and Rev. was arrogant and says this is how it is and does not explain how much they received.

Treasurer, Charlotte Andrade introduced Crystal Gonzales as the new Deputy in the Treasurer's Office.

**MANAGER'S COMMUNICATIONS**

Mr. Riggs stated the County has adopted Pecos Elementary School again this year. Employees have gone above and beyond to provide supplies. The school will visit the County again for Halloween. He stated Karen Sanders and Bill Williams are working on a vector grant. The State of New Mexico did make changes to the Verizon Tower Lease just as suspected. The USA Beef contract has been signed. The Adult Detention Center has accepted a Pilot Project with NARCAN. School is in session. NMAC has approved a list of priorities and our Board Member, Dave Kunko could possibly give us a review of those next month. We are still working on the coordination issue with BLM.

**COMMISSIONER'S COMMUNICATIONS**

Commissioner Bilberry thanked everyone for all their hard work. He wanted to make everyone aware of the 18 head of cattle shot in Eddy County.

Commissioner Duffey also thanked everyone for their hard work. He stated the County 4-H and FFA Fair went well and he did purchase an animal. USA Beef is still waiting on one State permit. This process should not be this difficult and the Legislature should expedite business.

Commissioner Ezzell also thanked everyone for all their hard work. He felt we should formally respond to Ms. McVay's letter.

Commissioner Cavin echoed the thanks to staff and departments. The State requirements are ridiculous and costly. Heroine was a big topic at NACO in Ohio. Meth is a bigger killer in this area. Both legal and illegal drugs are a problem.

Chairman Corn said sadly Chief Ford passed away. He had been a volunteer fire fighter since 1997 and Chief since 2005. The Department of the Interior has indicated they would be working on the Endangered Species Act, Lands with Wilderness Characteristics and Coordination. We will see how that goes. We need to show our appreciation to the children involved in sports. We need to discuss money and the need of the Arizona/New Mexico Coalition. There will be no closed session.

The meeting was adjourned pending the signature of documents at 11:08 a.m.

**CHAVES COUNTY BOARD OF COMMISSIONERS**

*Robert Corn*  
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**ROBERT CORN, CHAIRMAN**

*William E. Cavin*  
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**WILLIAM E. CAVIN, VICE CHAIRMAN**

*Jeff Bilberry*  
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**JEFF BILBERRY, MEMBER**

*James Duffey*  
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**JAMES DUFFEY, MEMBER**

*T. Calder Ezzell Jr.*  
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**T. CALDER-EZZELL JR., MEMBER**

ATTEST: *Dave Kunko*  
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**DAVE KUNKO, COUNTY CLERK**

